

Claims 22, 23 and 24 have been amended by this amendment. Applicant reserves the right to pursue the original claims and other claims in this application and other applications. Claims 2, 4, 7, 9, 11, 14, 16, 18 and 22-24 are pending in this application.

Claim 22, 23 and 24 have been amended to correct the typographical errors noted by the Office Action.

Claims 2, 4, 9 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hunter in view of Moore (U.S. 5,917,925) and further in view of Connell et al. (U.S. 4,933,849). Claims 7 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hunter in view of Moore and Connell et al. and further in view of Berson (U.S. 5,819,239). Claims 16 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hunter in view of Connell et al. Claims 22 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hunter in view of Moore and Connell et al. and further in view of Fleming (U.S. 5,953,710). Claim 24 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hunter in view of Connell et al. and further in view of Fleming. Reconsideration is respectfully requested.

Each of the independent claims 2, 9 and 16 includes the feature of downloading graphic data to the selected postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the selected postage metering system, the graphic data to be included on mail pieces (or in the mail piece data) of mail pieces subsequently prepared by the selected mail processing system. The graphic data facilitates discerning whether or not fraudulent indicium have been created by the selected mail processing system or a third party. (See Specification, page 14, lines 22-26).

As noted by the Office Action, the references to Hunter and Moore do not disclose, teach or suggest this feature. To overcome this deficiency, the Office Action relies on the reference to Connell et al. Connell is directed to a security system for use with an indicia printing authorization device that has a plurality of indicia patterns selectively available for printing. In Connell, a security system includes a means 12 for authorizing the printing of an indicia, which includes a means 14 for storing a plurality of indicia patterns. A clock/calendar is used to

maintain a calendar such that the date and time can be mechanically or electronically set during installation, or start up, and thereafter maintained. The operation of the system in Connell is described with respect to Fig. 4. The means 12 is prepared to print a manifest having a postal indicia pattern thereon. The computer 20 would then make an inquiry of the non-volatile RAM 26 and compare the current date, provided by the clock/calendar 28, with the date located in memory block 68. If the date that the new postal indicia is to be authorized has not been reached, the computer 20 then reads the current graphics address block in memory block 70 and proceeds to print the current authorized indicia. However, upon determining that the date so supplied is equal to or later than the date wherein the new indicia pattern has been authorized, the computer 20 then reads the graphics address block 66. The computer 20 also writes the address in address block 66 into the block 70 so that on subsequent printings the authorized indicia will always be printed. The computer 20 then accesses the particular authorized indicia graphic block and proceeds to print the indicia via the printer 32. (Col. 6, lines 3-24).

Thus, the system in Connell selects one of a plurality of stored indicia images based solely on the date that the indicia will be printed. There is nothing in Connell that discloses, teaches or suggests downloading graphic data to the postage metering system to be included in the mail piece data of mail pieces subsequently prepared by the postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the postage metering system as in the present invention. As noted above, the system in Connell changes the indicia images based solely on the date. The date has nothing whatsoever to do with whether or not a forensic accounting analysis reveals that the empirical data is not consistent with the reset data. The only disclosure, teaching or suggestion of such downloading graphic data to the postage metering system to be included in the mail piece data of mail pieces subsequently prepared by the postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the postage metering system is provided in Applicant's own specification. Without using the present claims as a road map, it would not have been obvious to make the multiple, selective modifications needed to arrive at the claimed invention from these references. The rejection uses impermissible hindsight to reconstruct the present invention from these references. See Ex parte Clapp, 227 U.S.P.Q. 972,

973 (Bd. App. 1985) (requiring "convincing line of reasoning" to support obviousness determination).

There is no disclosure, teaching or suggestion in Hunter, Moore or Connell, either alone or in any combination, of downloading graphic data to the postage metering system to be included in the mail piece data of mail pieces subsequently prepared by the postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the postage metering system as in the present invention.

For at least the above reasons, applicant respectfully submits that claims 2, 9 and 16 are allowable over the prior art of record. Claims 4, 7 and 22; 11, 14 and 23; and 18 and 24 are dependent upon claims 2, 9 and 16, respectively, and are allowable along with claims 2, 9 and 16 and on their own merits.

In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims are in a condition for allowance and favorable action thereon is requested.

Respectfully submitted,

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